THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

WRIT PETITION No.17197 of 2000

DATE:16-08-2005

Between:

Oturu Rajamma W/o. Narasimhulu,

aged about 30 years, Agricultural Labour,

R/o. Somulavari Palli village, Proddatur (M),

Kadapa District & three others

..... PETITIONERS

AND

The Mandal Revenue Officer, Proddatur,

Kadapa District & another

.....RESPONDENTS

THE HON'BLE SRI JUSTICE B. SUDERSHAN REDDY

W.P. No.17197 OF 2000

ORDER:

The Mandal Revenue Officer, Proddatur, vide proceedings, dated 22-09-1998, accorded permission to the petitioners herein to enter upon the land admeasuring
Ac.1-00 in Survey No.218/1, Penna River Poramboke of Rameswaram village of Proddatur Mandal, Kadapa District during 1408 to 1412 Fasli subject to certain conditions mentioned therein.

The claim of the petitioners is that under the order so passed by the 1st respondent - Mandal Revenue Officer, each of the petitioners were granted specific extents of land to enter into the same and the petitioners accordingly entered and started cultivating the said piece of land. That the
2nd respondent/Divisional Forest Officer, Proddatur, Kadapa District, ignoring the said proceedings of the
1st respondent/Mandal Revenue Officer, all of a sudden, interfered with the possession and enjoyment of the petitioners over the land in question.

The case of the petitioners is that the said land is not a part of the Forest, therefore the interference of the
2nd respondent is highly illegal and arbitrary.
The report of the Survey Department has also been ignored. It is under those circumstances, the present writ petition has been filed.

The Divisional Forest Officer filed a detailed counter affidavit, in which, it is, *inter alia,* stated that the petitioners encroached the land of the reserve forest. The reserve forest area of Rameswaram village includes the land in Survey No.218/1 of Rameswaram village that is river poramboke. In fact, the Mandal Revenue Officer, Proddatur was requested to cancel all the eksal permissions granted permitting the individuals to enter into the land in Survey No.218/1. It is further stated that even though the area is said to be river poramboke in South and West side of the reserve forest, the same cannot be assigned for any other purposes, since the same has also been included in Rameswaram reserve forest.

The short question that falls for consideration is whether the petitioners are entitled to grant of any relief ?

Admittedly, the Mandal Revenue Officer did not grant any regular assignment patta, as such, in favour of any of the petitioners. What has been granted to each one of them is permission to enter into the land specified for the purpose of eksal cultivation. Eksal cultivation itself does not confer any right in the immovable property. It is a mere permission accorded to cultivate the land specified for that specific period. Even according to the proceedings, dated
22-09-1998, upon which reliance has been placed by the learned counsel for the petitioners, permission to cultivate the land on eksal basis was from 1408 to 1412 Fasli i.e. for a period of five years. There is no material made available on record that the said permission has been renewed thereafter. It is thus clear that the eksal permission granted to the petitioners came to end by efflux of time.

Be that as it may, there is absolutely no reason to disbelieve the averments made by the Divisional Forest Officer that the land, in respect of which permission has been granted to the petitioners to cultivate the same on eksal basis, forms part of Rameswaram village reserve forest.
That at any rate, such disputed questions of fact cannot be satisfactorily gone into by this Court in a summary proceedings under Article 226 of the Constitution of India.

The petitioners cannot be permitted to squat on the property on the strength of the interim order in the absence of any further renewal of permission, as such, by the competent authority.

Viewed from any angle, I find no merit in this writ petition and the same shall accordingly stand dismissed. There shall be no order as to costs.

B. SUDERSHAN REDDY, J

Date:16-08-2005.

PV